

Special Meeting

April 21, 2003
9:00 a.m.

The special meeting of the Municipal Civil Service Commission convened on Monday, April 21, 2003, 9:00 a.m. with Priscilla Tyson and Grady Pettigrew present.

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RE: *Continuation of the hearing on the merits of the appeal of Duane Hicks, from the action of the Department of Public Safety, Division of Police, suspending him for 30 hours from the position of Police Officer – Case No. 02-CA-0004.*

Commission President Tyson read the charge and specification into the record:

Charge III: You are hereby charged with violating **Rule of Conduct #1.36**, which states, “Division personnel are to conduct themselves at all time, both on and off duty, in such a manner as to reflect favorably on the Division. Unbecoming conduct is behavior that implicitly or explicitly brings the Division in disrepute, reflects discredit upon the individual as a member of the Division, or impairs the operation or efficiency of the Division or the individual.”

Specification I: On or about August 08, 1999, while off duty, in an attempt to influence the outcome of a dispute between yourself and a citizen over a “repair bill” involving your private vehicle, you did identify yourself as a Columbus Police Officer by verbal statements and by the display of your Columbus Police Badge and Division issued firearm.

Appearances and preliminary matters were handled. Assistant City Attorney Michael Matuska requested a continuance until his first witness is available. Attorney for the appellant, John Waddy, was ready to proceed with the hearing. The Commissioners denied the request for a continuance and advised Mr. Matuska his witness would testify when he arrives.

Andrew Jones – Appellant’s Attorney John Waddy called Andrew Jones . The witness was sworn in by President Tyson. Mr. Jones was examined on direct by Mr. Waddy, cross-examined by Mr. Matuska, answered questions from the Commissioners and was excused.

James Harrison – The City called Mr. Harrison as a witness out of sequence. The witness was sworn in by President Tyson, was examined on direct by Mr. Matuska, cross-examined by Mr. Waddy, examined on re-direct by Mr. Matuska, examined on re-cross by Mr. Waddy, examined on re-direct by Mr. Matuska, re-cross by Mr. Waddy, answered questions from the Commissioners and was excused.

Duane Hicks – Appellant’s Attorney John Waddy called the appellant who had previously been sworn. Officer Hicks was examined on direct by Mr. Waddy, examined on cross by Mr. Matuska and was excused.

The City moved for Exhibits #1 through #8 to be entered into the record and since there was no objection, the exhibits were entered. It was agreed that due to the length of time between the first hearing date in October 2002 and today, that both attorneys would submit briefs instead of closing arguments. The briefs, no longer than ten pages, are due by May 27, 2003.

The hearing was adjourned at 1:10 p.m.

Priscilla R. Tyson, Commission President

May 19, 2003
Date